

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 3/4/2020

DRYWALL TAPERS & POINTERS OF
GREATER NEW YORK LOCAL UNION 1974,
AFFILIATED WITH INTERNATIONAL
UNION OF ALLIED PAINTERS & ALLIED
TRADES, AFL-CIO; TRUSTEES OF THE
DRYWALL TAPERS & POINTERS LOCAL
UNION NO. 1974 BENEFIT FUNDS,

Petitioners,

v.

MAIA MP CONSTRUCTION, INC., *also known*
as MAIA MP CONSTRUCTIONS, INC.,

Respondent.

No. 19-CV-11212 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

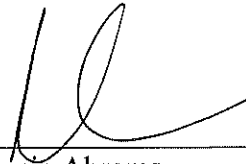
On January 14, 2020 Petitioners filed a motion for default judgment against Respondent. Dkt. 16. On February 12, 2020, the Court issued an order requiring Respondent to show cause as to why a default judgment should not be entered in favor of Petitioners at a hearing scheduled on March 13, 2020 at 2:00 p.m. Dkt. 21.

That order, however, was in error given that “default judgments in confirmation/vacatur proceedings are generally inappropriate.” *D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006) (holding that “Rule 55 does not operate well in the context of a motion to confirm or vacate an arbitration award”). As the Second Circuit explained, “[a] motion to confirm or vacate an award is generally accompanied by a record, such as an agreement to arbitrate and the arbitration award decision itself, that may resolve many of the merits or at least command judicial deference.” *Id.* Accordingly, the Court denies Petitioners’ motion for a default judgment and cancels the order to show cause hearing scheduled on March 13, 2020. The Court

will instead treat “the petition and accompanying record . . . as akin to a motion for summary judgment based on the movant’s submissions,” *id.*, and address the petition in short order.

SO ORDERED.

Dated: March 4, 2020
 New York, New York



Ronnie Abrams
United States District Judge